

ested in them or to whom the same shall be charged shall require a copy of such account, the several officers herein named shall, in as short a time as may be convenient, give him an account of such charges in words at length.

The officers referred to are attorneys, bailiffs, clerks of the courts, commissioners of the land office, constables, coroners, criers, justices of the peace, notaries public, registers of wills, sheriffs and surveyors. *Robey v. Prince George's County*, 92 Md. 157.

This section by necessary implication, if not expressly, indicates that the parties requiring the services are to pay the fees. *Peter v. Prettyman*, 62 Md. 572.

The object of this section stated. The debtor may waive his privilege under this section. *Jamison v. State*, 55 Md. 103.

As to the collection of officers' fees by the sheriff, see art. 87, sec. 30, *et seq.*

1904, art. 36, sec. 2. 1888, art. 36, sec. 2. 1870, ch. 441. 1874, ch. 377.
1876, ch. 216. 1892, ch. 91. 1896, ch. 409.

2. No account for officers' fees by any of the several officers herein named, rendered for services to or in behalf of the counties of this State in this section named, shall be allowed by the county commissioners thereof until said account has been submitted to and approved by the judges of the circuit court for said county or a majority thereof; and no charge for officers' fees shall be paid or allowed by the county commissioners aforesaid in any criminal case where jurisdiction to try, hear and determine the matter charged against the party accused has been conferred by law upon justices of the peace, but the county commissioners may levy or pay to the officers performing service in such cases such compensation as they in their discretion may deem right and proper. This section shall apply only to the counties of Caroline, Kent, Queen Anne's, Talbot, Prince George's, Charles and Harford.

The judges have nothing to do with the allowance of fees in criminal cases heard before a justice of the peace; mandamus will not lie to control the discretion of the county commissioners in the matter of such fees, but it will lie to require the county commissioners to act upon a claim made. The portion of this section imposing upon the judges the duty of approving accounts is unconstitutional, and the portion prohibiting the payment of fees without the approval of the judges, is nugatory. *Robey v. Prince George's County*, 92 Md. 158.

Execution for Fees.

1904, art. 36, sec. 3. 1888, art. 36, sec. 3. 1860, art. 38, sec. 2. 1779, ch. 25, sec. 11.
1822, ch. 219, sec. 2. 1861, ch. 55.

3. No officer, under the penalty of five hundred dollars, shall send out his fees on execution more than once in every year between the first day of January and the first day of May; but in Baltimore city any officer may send out his fees on execution at any time during the year.

This section does not compel officers to send out their fees for execution once every year, but simply restrains them from doing so oftener. This section was not repealed by the act of 1822, ch. 219. *Logan v. State*, use *Nesbitt*, 39 Md. 178.

Officers' fees need not be sent out for collection in the next year after the performance of the services. *Hall v. Belt*, 8 G. & J. 478.

As to the collection of officers' fees by the sheriff, see art. 87, sec. 30, *et seq.*